Tracey E. Diamond

Partner

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Employers trust Tracey, a former general counsel, human resources director and top-ranked employment litigator, to advise them on best practices related to employment law and other workplace matters.

OVERVIEW

Tracey provides comprehensive guidance to clients on employment law, helping them to achieve their business goals through effective and efficient workforce structuring. She advises on complex workplace issues; provides training; conducts internal investigations; drafts policies and procedures; and negotiates employment and severance agreements.

Tracey plays a key role in transactions, counseling clients on the employment aspects of private equity deals and mergers and acquisitions, as well as labor issues related to corporate deals. In addition to revising employment provisions in purchase agreements and analyzing due diligence, she negotiates and drafts employment-related ancillary documents.

Drawing from significant courtroom experience, Tracey helps clients resolve employment-related litigation and administrative hearings before state and federal agencies, including the Equal Employment Opportunity Commission. She represents employers across all types of matters, including enforcing and defending noncompetition and nonsolicitation clauses, wage and hour class and collective actions, and discrimination, harassment, and retaliation claims. In the labor area, Tracey assists clients with the negotiation of collective bargaining agreements and defense of grievances, including in arbitration.

Tracey leverages her experiences in senior HR and in-counsel roles to better understand her clients and their challenges and help them achieve their objectives. Before joining the firm, she served as director of human resources and operations for a large nonprofit organization where she was responsible for the human resources issues for more than 1,000 employees and contract administration for the agency's union. As general counsel of a national retail optical company, Tracey was involved in overseeing the company's employment law matters, negotiating commercial contracts, and managing the litigation docket.

Tracey speaks and writes frequently about a multitude of employment law issues. She is the founder, creator, and co-host of the firm's *Hiring to Firing Podcast*, where she discusses hot-button labor and employment law issues with unique perspectives drawn from hit shows and movies. Tracey is the editor of the firm's *Hiring to Firing Law* blog, a go-to resource for analysis of issues affecting the workplace. She makes regular media appearances and has been quoted by CBS, *The New York Times*, *The Wall Street Journal, The Washington Post,* and

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Bloomberg, among other publications.

Tracey has served as a qualified mediator for the New Jersey Superior Court and as an adjunct professor at Drexel University Kline School of Law.

REPRESENTATIVE MATTERS

- Represented portfolio companies of private equity firms as the employment specialist in numerous add-on acquisitions.
- Represented U.S. entities of international companies as the employment specialist in divestiture of non-core assets.
- Regularly provides advice and counseling to portfolio companies navigating post-transaction and ongoing employment issues.
- Obtained dismissal, affirmed on appeal, of a class action brought by a rejected applicant on behalf of himself and others similarly situated against a major international retailer, claiming he was rejected from employment for testing positive for marijuana in violation of New Jersey's Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.
- Obtained summary dismissal, affirmed on appeal, for a biomedical software company in a sexual orientation discrimination case in Massachusetts state court.
- Defended a national manufacturing employer in numerous union arbitrations brought by former employees alleging wrongful discharge.
- Obtained summary judgment for a manufacturer in a race discrimination case in the U.S. District Court for the District of Maryland.
- Counseled a manufacturing company through substantial reductions in force that were implemented without any lawsuits.
- Defended a health care concierge company against exempt misclassification claims brought in federal court.
- Settled numerous discrimination cases in New Jersey Superior Court on terms that were favorable to a mortgage company.
- Assisted a food product manufacturer with negotiating collective bargaining agreements.

AWARDS

- *JD Supra*, Readers Choice Awards, Labor & Employment (2024)
- *New Jersey Law Journal* New Jersey Legal Awards – Mentor (2022)
- *Best Lawyers in America®:* Employment Law – Management (2021-2027); Litigation – Labor and Employment (2018-2027)
- *Best Lawyers in America®:* Philadelphia "Lawyer of the Year" for Litigation – Labor and Employment (2019, 2024)
- *Chambers USA*: Labor & Employment, New Jersey (2025-2026)
- Thomson Reuters Stand-out Lawyer (2018-2021) – independently rated lawyers

TOP AREAS OF FOCUS

- Employment Counseling
- Independent Contractor Misclassification + Compliance
- Labor + Employment
- Labor + Employment Litigation + Dispute Resolution
- Noncompete + Trade Secrets

- Traditional Labor

ALL AREAS OF FOCUS

- Accessible Facilities and Services (ADA Titles II and III)
- Artificial Intelligence
- Automotive
- Beer, Wine + Spirits
- Cannabis
- Corporate Espionage Response Team
- Employment Counseling
- Food + Beverage
- Government Claims + Investigations
- Hemp + Hemp Derivatives Industry
- Independent Contractor Misclassification + Compliance
- Labor + Employment
- Labor + Employment Litigation + Dispute Resolution
- Noncompete + Trade Secrets
- Traditional Labor

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Philadelphia Bar Association

EDUCATION AND CERTIFICATIONS

EDUCATION

- Columbia Law School, J.D., 1992, Harlan Fiske Stone Scholar; articles editor, *Columbia Journal of Law and Social Problems*
- Tufts University, B.A., *magna cum laude*, 1988, political science and psychology

BAR ADMISSIONS

- New York
- New Jersey
- Pennsylvania

CLERKSHIPS

- Hon. Shirley Wohl Kram, U.S. District Court, Southern District of New York

SPEAKING ENGAGEMENTS

- Speaker, "Human Trafficking in Employment: At-Risk Populations, Red Flags, Legal Protections, Employer Accountability," 3Strands Global Foundation, June 24, 2026.

- Speaker, “Artificial Intelligence in Mortgage HR: Transforming Talent, Compliance and Culture,” MBA’s Human Resources Symposium 2025, September 9, 2025.
- Speaker, “Beyond Difference: Jewish Ethics and the Art of Human Connection,” Jewish Federation of Southern New Jersey’s Legal Professional Network, July 29, 2025.
- Speaker, “The First 100 Days: A Whirlwind of Activity,” HR & Employment Law Conference: Navigate the Ever-Changing Legal Landscape with Confidence, May 15, 2025.
- Panelist, “Navigating the AI Revolution: Crafting Effective Policies for Generative AI,” Association of Corporate Counsel (ACC) Greater Philadelphia Chapter — Women’s Summit, November 14, 2023.
- Speaker, “Navigating Your Parental and Personal Leave and Benefits,” NAWLMoms and NAWL Young Women Lawyers, May 17, 2023.
- Speaker, “A Hazy Landscape: Marijuana & The Workplace,” 2023 MEA HR & Employment Law Conference, May 18, 2023.
- Speaker, “Webinar: Rethinking BYOD Policies and Device Management after DOJ Revisions to Corporate Criminal Enforcement Policies,” Troutman Pepper, December 15, 2022.
- Speaker, “Conducting Internal Investigations: Practical Tips and Considerations,” Troutman Pepper, December 6, 2022.
- Speaker, “Best Practices for Implementing and Maintaining Diversity, Equity, & Inclusion Programs and Initiatives in Companies, Organizations and Law Firms,” Troutman Pepper, April 14, 2021.
- Speaker, “An Employer’s Guide to the Coronavirus,” West LegalEdcenter, March 30, 2020.
- Speaker, “Employer Planning for Coronavirus,” March 11, 2020.
- Speaker, “Looking Ahead at 2020’s Labor and Employment Hot Topics,” December 10, 2019.
- Speaker, “Who’s Taking Care of the Kids: Title VII, FMLA and Parental Leave,” September 25, 2019.

PUBLICATIONS

- Co-host, *Hiring to Firing* Podcast.
- Author, “Fact or Fiction? Deepfakes Complicate Harassment Investigations,” *HR Dive*, September 8, 2026.
- Podcast, “Rebalancing the Books: Employment Compliance for Financial Services Companies,” *The Consumer Finance Podcast*, August 6, 2026.
- Co-author, “Third Circuit Rejects ‘Overtime Gap Time’ Claims Under the FLSA, Deepening Circuit Split,” *Troutman Pepper Locke*, June 18, 2026.
- Podcast, “Before You Front the Funds: Benefits and Pitfalls of Earned Wage Access Tools,” *Payments Pros – The Payments Law Podcast*, April 2, 2026.
- Co-author, “New Jersey’s Family Leave Act: Prepare for Expansion in 2026,” *Troutman Pepper Locke*, March 3, 2026.
- Co-author, “Delaware Supreme Court Reverses Chancery Court Opinion: Restrictive Covenants Not Rendered Unenforceable by Post-Formation Forfeiture of Consideration,” *Troutman Pepper Locke*, February 16, 2026.
- Co-author, “Philadelphia’s Expanded and Amended ‘Ban-the-Box’ Law Takes Effect,” *Troutman Pepper Locke*, January 22, 2026.
- Co-author, “Water Cooler Talk: Performance Review Tips From ‘Severance’,” *Law360*, June 4, 2025.
- Co-author, “Navigating New Jersey’s Pay Transparency Act, Effective June 1,” *Troutman Pepper Locke*, June 2, 2025.
- Co-author, “Water Cooler Talk: Classification Lessons From ‘Love Is Blind’,” *Law360*, May 5, 2025.
- Podcast, “AI in Employment: Navigating the Legal Landscape with Lessons from *I, Robot*,” *The Good Bot: Artificial Intelligence, Health Care, and the Law*, April 22, 2025.
- Co-author, “Water Cooler Talk: Takeaways From ‘It Ends With Us’ Suits,” *Law360*, April 8, 2025.

- Co-author, “Navigating DEI in a Shifting Legal Landscape,” *Troutman Pepper Locke*, April 3, 2025.
- Co-author, “Water Cooler Talk: ‘Late Night’ Shows DEI Is More Than Optics,” *Law360*, March 13, 2025.
- Co-author, “FTC Refocuses Its Resources to Continue Its Work for Labor Market,” *Troutman Pepper Locke*, February 28, 2025.
- Co-author, “Water Cooler Talk: ‘Harry Potter’ Reveals Magic of Feedback,” *Law360*, February 4, 2025.
- Podcast, “Navigating Restrictive Covenants in Private Equity,” *PE Pathways*, January 7, 2025.
- Co-author, “Federal Court Strikes Down DOL’s 2024 Rule on Overtime Exemptions Nationwide,”*Troutman Pepper*, November 20, 2024.
- Co-author, “AI and HR: Navigating Legal Challenges in Recruiting and Hiring,” *Troutman Pepper*, September 16, 2024.
- Co-author, “Water Cooler Talk: Immigration Insights From ‘The Proposal’,” *Law360*, August 23, 2024.
- Co-author, “Pennsylvania Limits Noncompete Agreements for Health Care Practitioners,” *Troutman Pepper*, August 6, 2024.
- Co-author, “Pennsylvania Court Denies Injunction Against FTC’s Noncompete Ban,” *Troutman Pepper*, July 25, 2024.
- Co-author, “Texas Court Temporarily Enjoins FTC Noncompete Ban Rule,” *Troutman Pepper*, July 5, 2024.
- Co-author, “Water Cooler Talk: Sick Leave Insights From ‘Parks And Rec’,” *Law360*, May 22, 2024.
- Co-author, “New DOL Rule: Changes to Salary Thresholds for Overtime Exemptions,” *Troutman Pepper*, April 24, 2024.
- Co-author, “Employers Beware: Worker Misclassification May Be Seen as Anticompetitive Conduct,” *Troutman Pepper*, April 1, 2024.
- Co-author, “A Look at Three Noncompete Bans Under Consideration in NYC,” *Law360*, March 26, 2024.
- Co-author, “Water Cooler Talk: Investigation Lessons In ‘Minority Report’,” *Law360*, February 26, 2024.
- Co-author, “New DOL Independent Contractor Rules, New Diligence Pitfalls: What Fund Managers Need to Know,” *Private Equity Law Report*, February 22, 2024.
- Co-author, “DOL Publishes Final Independent Contractor Rule,” *Troutman Pepper*, January 16, 2024.
- Co-author, “Water Cooler Talk: Insights On Noncompetes From ‘The Office’,” *Law360*, January 11, 2024.
- Co-author, “Navigating Legal Obstacles in Life Sciences Restructurings,” *Reuters Legal News*, December 21, 2023.
- Co-author, “New York Narrows the Scope of Employee “Invention Assignment” Provisions,” *Troutman Pepper*, October 12, 2023.
- Co-author, “Water Cooler Talk: ‘The Matrix’ Opens Our Eyes to Generative AI in the Workforce,” *Troutman Pepper*, October 9, 2023.
- Co-author, “High Court Religious Bias Decision Paves Way for EEOC Vax Suits,” *Bloomberg Law*, September 26, 2023.
- Co-author, “Department of Labor Introduces New Proposal to Revise Salary Threshold,” *Troutman Pepper*, September 1, 2023.
- Co-author, “Artificial Intelligence — From Risk to Reward: Key Questions to Address When Crafting Generative AI Usage Policies,” *Troutman Pepper*, August 21, 2023.
- Co-author, “US DOL Updates Prevailing Wage Rules for Construction Industry,” *Troutman Pepper*, August 16, 2023.
- Co-author, “Water Cooler Talk: Insights From ‘The Bear’ on Right and Wrong Ways to Manage Employees,” *Law360*, August 7, 2023.
- Co-author, “Employer Drug-Testing Policies Must Evolve With State Law,” *Law360*, July 19, 2023.
- Co-author, “Wide-Ranging New York Noncompete Law Awaits Governor’s Signature,” *Troutman Pepper*, June 30, 2023.

- Co-author, “Water Cooler Talk: Office Drug Abuse Insights From ‘Industry’,” *Law360*, June 23, 2023.
- Co-author, “Water Cooler Talk: Bias Lessons From ‘Partner Track’,” *Law360*, May 19, 2023.
- Co-author, “Water Cooler Talk: Whistleblowing Insights From ‘Dahmer’,” *Law360*, April 25, 2023.
- Co-author, “Water Cooler Talk: Quiet Quitting Insights From ‘Seinfeld’,” *Law360*, March 28, 2023.
- Co-author, “Water Cooler Talk: Termination Lessons From ‘WeCrashed’,” *Law360*, February 21, 2023.
- Co-author, “Water Cooler Talk: Trade Secret Lessons From ‘Severance’,” *Law360*, January 20, 2023.
- Co-author, “DOJ Evolves Its Strategy of Increased Criminalization of Employment Restrictions Under Antitrust Laws,” *Troutman Pepper*, December 13, 2022.
- Co-author, “California Appeals Court Determines ADA Not Applicable to E-Commerce Websites Lacking a Brick-and-Mortar Store,” *Troutman Pepper*, August 4, 2022.
- Co-author, “Issues Employers Should Consider Before Offering Abortion Assistance Benefits Post *Roe v. Wade* ,” *Troutman Pepper*, June 24, 2022.
- Co-author, “Addressing Sexual Harassment Claims After Ban on Mandatory Arbitration,” *Troutman Pepper*, March 16, 2022.
- Co-author, “Drivers’ Telematics Violates BIPA,” *Westlaw Today*, February 1, 2022.
- Co-author, “Drivers’ Telematics Violates BIPA,” *Hiring To Firing Law Blog*, January 12, 2022.
- Co-author, “DOL-OSHA Announces New COVID-19 Vaccine ETS for Private-Sector Workers,” *Troutman Pepper*, November 8, 2021.
- Podcast, “Tracey Diamond: Back to Work, Sort of – How Law Firms Can Manage as COVID Drags On,” *The Lawyer’s Edge*, September 15, 2021.
- Co-author, “NY District Court Rules ADA Does Not Apply to Internet-Only Businesses,” *Troutman Pepper*, September 2, 2021.
- Co-author, “Too Close for Comfort: CDC’s Latest Guidance Significantly Expands the Definition of ‘Close Contact’,” *Troutman Pepper*, November 3, 2020.
- Author, “Post-Pandemic Telework as a Reasonable Accommodation Under the ADA,” *The Legal Intelligencer*, October 23, 2020.
- Co-author, “Federal Court Decision Changes How Employers Must Implement Families First Coronavirus Response Act,” *Troutman Pepper*, August 6, 2020.
- Co-author, “California Appeals Court Relies on Nexus Theory to Reverse Dismissal of ADA Website Violation Complaint,” *Troutman Pepper*, July 2, 2020.
- Podcast, “Back to Work Issues,” *Troutman Sanders and Pepper Hamilton COVID-19 Issues for Employers Podcast Series*, May 18, 2020.
- Author, “A Law Firm’s Perspective: Continuing to Help Our Clients Through COVID-19,” *The Philadelphia Bar Reporter*, April 7, 2020.
- Co-author, “Another Reset of NLRB’s Independent Contractor Test,” *Law360*, February 12, 2019.
- Podcast, “The #MeToo Movement,” *Good Law* | *Bad Law* Episode #65, February 20, 2018.

MEDIA COMMENTARY

- Quoted, “Fake Text Messages in Workplace Investigations — Why Misconduct Cases Now Need Digital Forensics,” *Forbes* and *Yahoo Tech*, July 28, 2026.
- Quoted, “AI Deepfakes Are Testing HR’s Ability to Spot Fake Evidence,” *HRD America*, July 16, 2026.
- Quoted, “AI Mandates May Stir up Religious Objections. HR Should Prepare Now.” *HR Dive*, May 4, 2026.
- Quoted, “3 Things to Watch as EEOC Consolidates Litigation Authority,” *Law360*, January 30, 2026.
- Quoted, “3 Pointers for Thoughtful Equal Pay Audits,” *Law360*, October 6, 2025.
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Quoted, “PWFA Litigation Comes Into Focus in 1st Half of 2025,” *Law360*, July 3, 2025.

- Quoted, “That’s What The Money Is For: Pay Lessons From ‘Mad Men’,” *Law360*, May 19, 2025.
- Quoted, “Insurers Should Adapt, Not Abandon, DEI Efforts,” *Health Payer Specialist*, February 25, 2025.
- Quoted, “Trump’s ‘Illegal’ DEI Orders Hit Due Process Questions in Court,” *Bloomberg Law*, February 25, 2025.
- Quoted, “‘Lifting’ Becomes ‘Leveling’: Companies Reframe DEI Amid Trump Upheaval,” *Washington Post*, February 21, 2025.
- Quoted, “Control of Reality TV Stars Muddles Employee Status Debate,” *Law360*, January 9, 2025.
- Quoted, “3 Biden-Era Wage Regs That Could Sink in 2025,” *Law360 Employment Authority*, January 1, 2025.
- Quoted, “AI Regulatory Landscape in Flux as Calendar Turns to 2025,” *Law360*, January 3, 2025.
- Mentioned, “The Most-Read Employment *Law360* Guest Articles of 2024,” *Law360*, December 23, 2024.
- Quoted, “States Creating Laws to Counter AI Bias in Hiring,” *NY Society of CPAs*, November 12, 2024.
- Quoted, “AI Hiring Bias Laws Limited by Lack of Transparency in Tools,” *Bloomberg Law*, November 12, 2024.
- Quoted, “Should Employers Worry About Being Recorded During Layoffs?,” *WorkLife*, January 18, 2024.
- Quoted, “How to Get the Most Days Off With Your Vacation Time in 2024,” *Washington Post*, January 2, 2024.
- Quoted, “Supreme Court Fortifies Standard for Religious Accommodations,” *SHRM*, June 30, 2023.
- Quoted, “SCOTUS Overturns Title VII Precedent, Lowering Bar for Religious Accommodations,” *HR Dive*, June 29, 2023.
- Quoted, “Supreme Court Strengthens Religious Accommodations in the Workplace,” *Wall Street Journal*, June 29, 2023.
- Quoted, “Case Weighs Religious Accommodation for Sunday Sabbath,” *Society for Human Resource Management*, January 19, 2023.
- Quoted, “4 Ways COVID-19 Reshaped Employees’ Expectations,” *Law360 Employment Authority*, November 1, 2022.
- Interviewed, “Mentoring Is a ‘Fundamental Component of Building a Solid Team,’ Says Tracey Diamond,” *New Jersey Law Journal*, September 26, 2022.
- Quoted, “Everything You Should Know Before Hiring Private Contractors for Your Business,” *Business Insider*, October 15, 2021.
- Quoted, “When May an Employer Reject a Religious Accommodation Request?,” *SHRM*, October 14, 2021.
- Quoted, “What to Know Before Hiring Independent Contractors,” *Inc. Magazine*, October 2021.
- Quoted, “How Should Employers Handle Business Travel in the COVID-19 Era?,” *HR Magazine*, September 23, 2021.
- Interviewed, “Requiring Employees to Get Vaccinated: How Far Can Employers Go?,” *Balance of Power*, Bloombergradio.com, September 21, 2021.
- Quoted, “Biden Careful Not to Play Favorites, but Pfizer Enjoys Some ‘Comparative Advantage’ in Mandate Era,” *The Washington Times*, September 16, 2021.
- Quoted, “Companies Grapple With Granting Religious Exemptions,” *The Washington Times*, September 13, 2021.
- Quoted, “Biden’s Business Vaccine Mandate and the Legal Challenges It May Face,” *CBS News*, September 13, 2021.
- Quoted, “Biden’s Vaccine Mandate Leaves Businesses Relieved but Full of Questions,” *The New York Times*, September 10, 2021.
- Quoted, “Worker License Rules Emerge as FTC Competition Oversight Priority,” *Bloomberg Law: Daily Labor Report®*, July 12, 2021.
- Quoted, “Companies Enlist Vaccine Whisperers to Convince Skeptical Workers to Get Their Jabs,” *Fortune*, April 28, 2021.

- Quoted, “Lawsuit Alleging Pregnancy-Related Firing Stirs Controversy,” *Inc. Magazine*, April 1, 2021.
- Quoted, “Pandemic, Racial Protests Driving New Wave of Pay Equity Bills,” *Bloomberg Law*, February 16, 2021.
- Quoted, “Trump’s COVID-19 Diagnosis Raises Questions About What to Do if Your Boss Won’t Wear a Mask,” *USA Today*, October 2, 2020.
- Quoted, “Restaurant Delivery Jobs Hold Their Own in the Uber Eats Age,” *Associated Press*, September 4, 2019.
- Quoted, “GrubHub Driver in Gig Economy Case Is a Contractor: Judge,” *Law360*, February 8, 2018.